

Notice of Allowability

Application No.

10/553,441

Applicant(s)

GOBBEL ET AL.

Examiner

David E. Gallis

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 11/7/07.
2. ☒ The allowed claim(s) is/are 11-28.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

1. Claims 11 through 28 are pending. Claims 1 through 10 have been cancelled. Claims 11, 18, 21, 27, and 28 have been amended. Applicants' claim of priority to Germany 103 17 519.9 filed March 4 2003 is acknowledged. Applicants' amendments and remarks filed November 7, 2007 have been carefully considered.

Reasons for Allowance

2. With respect to the prior rejection of claims 11 through 17, 19 and 20 on the ground of obviousness over Rueter (US 6,024,840, February 15, 2000), and further in view of Cornell (US 2,509,136, May 23, 1950) under 35 USC 103(a), Applicants have amended claim 11 to include the limitation of the distillation pressure of less than 1.013 bar, and the limitation of solvent content of the vapor stream to be not more than 500 ppm. Therefore the rejection of claims 11 through 17, 19 and 20 as obvious over the cited art is hereby withdrawn.

3. With respect to the prior rejection of claims 21 through 26 on the ground of obviousness over Rueter (US 6,024,840, February 15, 2000), and further in view of Cornell (US 2,509,136, May 23, 1950) under 35 USC 103(a), Applicants have amended claim 21 to include the limitation of the distillation pressure of less than 1.013 bar, and the limitation of solvent content of the vapor stream to be not more than 500 ppm. Therefore the rejection of claims 21 through 26 as obvious over the cited art is hereby withdrawn.

4. With respect to the prior rejection of claim 28 on the ground of obviousness over Rueter (US 6,024,840, February 15, 2000), and further in view of Cornell (US 2,509,136, May 23, 1950) under 35 USC 103(a), Applicants have amended claim 21 to

include the limitation of the distillation pressure of less than 1.013 bar, and the limitation of solvent content of the vapor stream to be not more than 500 ppm. Therefore the rejection of claims 21 through 26 as obvious over the cited art is hereby withdrawn.

5. With respect to the prior rejection of claims 18 and 27 under 35 USC 112 second paragraph on the ground of being indefinite, Applicants have amended the claims 18 and 27 to further limit claims 17 and 26 and clarifying the mode of use of propene in at least one heat exchanger for the cooling of the condensate. Therefore the rejection of claims 18 and 27 as being indefinite by lacking antecedent basis is hereby withdrawn.

6. The claimed process, with the inclusion of distillation pressure and vapor stream solvent content limitations, was found to be non-obvious over the art. Amended claims 11, 18, 21, 27, and 28 introduced no new matter.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Gallis whose telephone number is 571-272-9068. The examiner can normally be reached on Mon-Thur 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-1600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. Gallis
Patent Examiner

A handwritten signature in black ink, appearing to read "B Dentz", with a stylized, cursive script.

BERNARD DENTZ
PRIMARY EXAMINER